

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUSTIN ODELL LANGFORD,

Plaintiff,

v.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 3:19-cv-00009-RCJ-WGC

ORDER ON REMAND

I. DISCUSSION

This case is on remand from the U.S. Court of Appeals for the Ninth Circuit. (ECF No. 20). The Ninth Circuit affirmed in part, reversed in part, and remanded. (*Id.* at 2). Specifically, the Ninth Circuit affirmed the judgment as to Defendants Williams and Dzurenda, reversed the judgment as to Defendant Aranas, and remanded for further proceedings. (*Id.*)

The Court reopens the case and permits the Eighth Amendment deliberate indifference to serious medical needs claim to proceed against Defendant Aranas.

II. CONCLUSION

It is therefore ordered that the Clerk of the Court reopen this case.

It is further ordered that the Eighth Amendment claim for deliberate indifference to serious medical needs will proceed against Defendant Aranas.

It is further ordered that the Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's first amended complaint (ECF No. 11) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

It is further ordered that service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

It is further ordered that subject to the findings of the Ninth Circuit remand (ECF No. 20), within **twenty-one (21) days** of the date of entry of this order, the Attorney

1 General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the
2 defendants for whom it accepts service; (b) the names of the defendants for whom it does
3 not accept service, and (c) the names of the defendants for whom it is filing the last-
4 known-address information under seal. As to any of the named defendants for whom the
5 Attorney General's Office cannot accept service, the Office shall file, *under seal*, but shall
6 not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom
7 it has such information. If the last known address of the defendant(s) is a post office box,
8 the Attorney General's Office shall attempt to obtain and provide the last known physical
9 address(es).

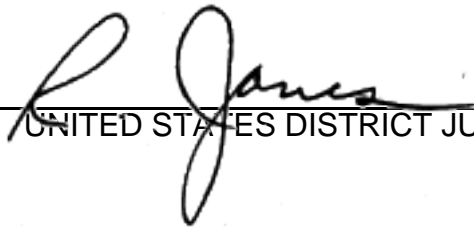
10 It is further ordered that, if service cannot be accepted for any of the named
11 defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s), requesting
12 issuance of a summons, and specifying a full name and address for the defendant(s). For
13 the defendant(s) as to which the Attorney General has not provided last-known-address
14 information, Plaintiff shall provide the full name and address for the defendant(s).

15 It is further ordered that, if the Attorney General accepts service of process for any
16 named defendant(s), such defendant(s) shall file and serve an answer or other response
17 to the first amended complaint (ECF No. 11) within **sixty (60) days** from the date of this
18 order.

19 It is further ordered that Plaintiff shall serve upon defendant(s) or, if an appearance
20 has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or
21 other document submitted for consideration by the Court. If Plaintiff electronically files a
22 document with the Court's electronic-filing system, no certificate of service is required.
23 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
24 mails the document to the Court, Plaintiff shall include with the original document
25 submitted for filing a certificate stating the date that a true and correct copy of the
26 document was mailed to the defendants or counsel for the defendants. If counsel has
27 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
28 named in the notice of appearance, at the physical or electronic address stated therein.

1 The Court may disregard any document received by a district judge or magistrate judge
2 which has not been filed with the Clerk, and any document received by a district judge,
3 magistrate judge, or the Clerk which fails to include a certificate showing proper service
4 when required.

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6 DATED THIS 4th day of August, 2021.

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9 UNITED STATES DISTRICT JUDGE
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